THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3102 OF 2006

Dated: 17-02-2006

Between

Y. Ramakrishna, S/o. Y. Narsinga Rao,

R/o. 10-7-56, Near Jeevan Jyothi

Apartments, Ramnagar, Visakhapatnam.

...PETITIONER

AND

The District Collector, Visakhapatnam,

Visakhapatnam District and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the proceedings inRc.No.12/2005/A dated 05.01.2005 issued by the Mandal Revenue Officer, Visakhapatnam (Rural) Mandal, Visakhapatnam as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner purchased the land in an extent of Ac.4.00 cents in S.No.135/5 of Kommadhi Village, Visakhapatnam Rural Mandal, Visakhapatnam by way of a registered sale deed dated 20.08.1997 for one N. Subbi Singh. The learned counsel further submits that said land was assigned in favour of freedom fighter and the vendor of the petitioner was also granted patta. While so, the Mandal

Revenue Officer –second respondent issued impugned notice dated 05.01.2005 under Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 and after receiving the explanation from the petitioner passed final orders on the ground that the petitioner has purchased the said land contrary to the provision of Sections 1,2 and 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Admittedly as against the said order there is an appeal under Section 4-A of the Act.

In view of the fact that there is a right of appeal, the writ petition is disposed of directing the petitioner to file an appeal within one week from the date of receipt of a copy of this order making the concerned persons/interested persons as party respondents and
if such an appeal is filed, the respondents shall consider and dispose the same in accordance with law. Till then the status quo obtaining as on today shall be maintained. However, if no appeal is filed, it is open for the respondents to take appropriate action.

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V. ESWARAIAH, J

February 17, 2006

Note: Furnish C.C. of the order by 18.10.2006

(**B/o**)

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